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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH  
Michigan Occupational Safety & Health Administration  
(MIOSHA)

ANDREW S. LEVIN  
ACTING DIRECTOR

# GENERAL INDUSTRY SAFETY STANDARDS COMMISSION MEETING

September 15, 2010 – 9:30 a.m.  
General Office Building, 1<sup>st</sup> Floor, Room B  
7150 Harris Drive, Lansing, Michigan

## MINUTES

### COMMISSIONERS PRESENT:

AJ Hale..... Chairperson  
Jeff Radjewski ..... Vice-Chairperson  
Dwayne Betcher  
Elizabeth Koto  
Regina Meo  
Tom Pytlik  
William Borch

### COMMISSIONERS ABSENT:

Carl Heim  
Jennifer Ewing

### DEPARTMENT PERSONNEL PRESENT:

Douglas Kalinowski ..... Director, MIOSHA  
John Peck ..... Director, Management & Technical Services Division  
Ronald Ray ..... Acting Manager, Standards Section and  
..... Manager, Laboratory and Equipment System Section  
Daniel Dykstra ..... Future Manager, Standards Section  
Elaine Clapp ..... Manager, General Industry Safety & Health Division  
Dena Hendon ..... Analyst, Standards Section  
Debbie Merryfield ..... Analyst, Standards Section  
Sharon Bradke ..... Secretary, Standards Section  
Cassie Knauss ..... Student, Standards Section  
Robert Kieffer ..... MIOSHA Information System Section  
April Kowatch ..... MIOSHA Information System Section  
Sherry Scott ..... MIOSHA Consultation, Education, and Training Division  
Valerie Chunko ..... MIOSHA Consultation, Education, and Training Division  
Brian Mickelson ..... MIOSHA Laboratory and Equipment System Section

### GUEST:

James Fisk ..... UAW (retired)

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### **MISSION STATEMENT**

THE MISSION OF THE GENERAL INDUSTRY SAFETY STANDARDS COMMISSION IS TO PROVIDE THE LEADERSHIP AND VISION NECESSARY TO ENSURE A SAFE WORK ENVIRONMENT FOR THE PEOPLE OF MICHIGAN.

THE COMMISSION INVOLVES EMPLOYEES AND EMPLOYERS IN THE DEVELOPMENT OF SAFETY STANDARDS AS IT ENDEAVORS TO CONTINUALLY EXAMINE AND IMPROVE THOSE STANDARDS FOR PURPOSE, CLARITY, APPLICABILITY, ENFORCEABILITY, AND COST EFFECTIVENESS. OUR VISION IS TO BE A RECOGNIZED LEADER IN SAFETY FOR THE WORK ENVIRONMENT FOR THE PEOPLE OF MICHIGAN BY INCORPORATING THE CHANGING NEEDS OF NEW TECHNOLOGIES AND METHODS INTO OUR STANDARDS.

### **Agenda Item #1--Call to Order and Roll Call**

The September 15, 2010 General Industry Safety Standards Commission meeting was called to order by Chairperson Hale. Roll call was taken and a quorum was present.

Mr. Peck introduced the new Program Manager for Standards, Mr. Daniel Dykstra, who will be starting on September 20<sup>th</sup>, 2010. Mr. Dykstra has over 24 years of state work experience. He started as a building construction specialist with the Fire Marshall Division in the Department of State Police. He has worked as the assistant deputy director and deputy director for the Office of Fire Safety. He has also been an administrative manager with the Bureau of Construction Codes. For more than the past three years, he has been working for the DELEG Executive Office on Strategic Workforce Planning, the Cool Cities Initiative, the MI 360 process, and the Michigan Business One Stop project. Mr. Dykstra has a Master's degree in Public Administration from Western Michigan University and a Bachelor's degree in Engineering Technology/Management from Saginaw Valley State University. He will be an asset to the MIOSHA team.

### **Agenda Item #2--Approval of Minutes from the June 23, 2010 Meeting**

A motion was made by Commissioner Borch and was seconded by Commissioner Betcher to approve the minutes of the June 23, 2010 Commission meeting. **MOTION CARRIED UNANIMOUSLY.**

### **Agenda Item #3--Standards Section Update—Ronald Ray, Acting Manager Standards Section**

Mr. Ray stated that the Standards Section has 2 additional new employees. He introduced Ms. Debbie Merryfield, the new Standards Analyst. Ms. Merryfield has been with MIOSHA for 12 years and comes to Standards from the Freedom of Information Act Section. She has a Bachelor's degree in Political Science from Michigan State University.

Ms. Cassie Knauss is the new student assistant in Standards. She was a co-op student in the General Industry Safety & Health Division. She is working on an Associate degree in Administrative Office Management at Lansing Community College.

Mr. Ray stated that Dena Hendon will be the analyst liaison for the General Industry Safety Standards Commission, Christine Hundt will be the analyst liaison for the Construction Safety Standards Commission, and Debbie Merryfield will be the analyst liaison for the Occupational Health Standards Commission. Mr. Ray stated that this will be his last meeting in an official capacity.

Mr. Ray stated that MIOSHA currently has 28 standards open at this time.

**GI/OH Part 101 Ergonomics in General Industry.** Promulgation materials have been submitted to the State Office of Administrative Hearings and Rules (SOAHR) and we are waiting for the approval to move the rule to Public Hearing. Mr. Ray asked Ms. Hendon to send a copy of the draft to the Commissioners.

**OH Part 316 Diisocyanates.** This Rule has been submitted to SOAHR. Employers have come to MIOSHA with concerns and the most recent was exposure triggers. This should be moving forward soon.

**OH Part 301 Air Contaminants for General Industry and OH Part 601 Air Contaminants for Construction.** Diisocyanates and Chromium IV are being updated.

**CS Part 1 General Rules.** A public hearing has been held and we are now waiting on the rule to be filed.

**CS Part 12 Scaffolds & Scaffold Platforms.** A public hearing will be scheduled in the near future.

**OH Part 554 Bloodborne Infectious Diseases; OH Part 433 Personal Protective Equipment; and GI Part 33 Personal Protective Equipment regarding the use of latex gloves.** The drafts and Regulatory Impact Statement have been submitted to Regulatory Affairs Office.

**CS Part 6 Personal Protect Equipment, GI Part 33 Personal Protective Equipment, OH Part 433 Personal Protective Equipment.** All three advisory committees have been formed and the first meeting will be on September 27, 2010.

**CS Part 10 Lifting and Digging** – This has been broken into two parts, the first part will address crane operator certification and the JCAR Report has been submitted to SOAHR. The second part will address rigger and signalperson qualifications and is still at the advisory committee.

**OH Part 301 Air Contaminants for General Industry, and OH Part 601 Air Contaminants for Construction.** This advisory committee is meeting monthly. We are currently looking at the most used Permissible Exposure Limits (PEL's).

**OH Part 621 Specific Equipment & Operations.** The Advisory Committee has proposed new language to be added to OH Part 621 regarding limiting dry cutting of silica-containing products.

**OH Part 315 Chromium (VI) in General Industry and OH Part 604 Chromium (VI) in Construction.** Final rule has been approved by SOAHR. The effective date was September 13, 2010.

**ADM Part 11 Recording and Reporting of Occupational Injuries and Illnesses.** The draft rule has been submitted to SOAHR.

**CS Part 16 Power Transmission and Distribution.** It was recently discovered that the Administrative Rules version of this standard had several rules missing. We are promulgating the corrections.

**CS Part 26 Steel Erection.** This will be put on hold until the CS Part 10 Lifting and Digging Equipment Advisory Committee completes their review. OSHA has made some changes.

**GI Part 19 Crawler, Locomotive and Truck Cranes and GI Part 20 Underhung Cranes and Monorail Systems.** In process of appointing members to these advisory committees. Ms. Hendon will send an E mail for solicitation of applications for Parts 19 and 20 advisory committee members, per Commissioner Borch's request.

**Agenda Item #4--GI Safety & Health Division Update—Elaine Clapp, Health and Safety Manager**

Ms. Elaine Clapp stated that there were 14 General Industry fatalities in calendar year 2009 and there have been 18 General Industry fatalities thus far in 2010.

Ms. Clapp stated that there are five special new initiatives in General Industry which include the National Emphasis Program for:

- the regulation on process safety management;
- for Recordkeeping;
- the Federal Program on the 2009 H1N1 virus;
- for diacetyl; and
- for Hexavalent Chromium.

There are also two partnerships which include UAW/Ford and the Michigan Sugar Company.

GISHD had two new fact sheets approved in January

- Traffic Control for Aerial Lift Platforms and
- Ethylene Oxide.

There are six more in progress:

- General Information on Standards;
- Acetylene Standard – significant changes in standard Part 69;
- Parts 90/490 Permit-Required Confined Space;
- Agricultural Field Sanitation;
- Part 511 Temporary Labor Camps; and
- Adult and Child Care Industries.

GISHD is in the process of hiring three Industrial Hygienists, three Safety Officers, one Health Supervisor, and one Industrial Hygienist Specialist.

**Agenda Item #5--MIOSHA Update—Douglas Kalinowski, MIOSHA Director**

Mr. Kalinowski stated that MIOSHA is expecting a federal continuation of the budget. It is hoped that a State budget will be in place by the end of the month. He stated that MIOSHA has no general fund money; however, we are still impacted by any broad-based State cuts.

Mr. Kalinowski stated that “*Coffee with MIOSHA*” was a success. MIOSHA staff were at 35 Biggby Coffee Shops for 2 hours and had contact with over 370 people. Commissioner Pytlik stated he went to the Midland site and appreciated seeing MIOSHA staff there to answer the questions people had and make connections.

Mr. Kalinowski stated that Federal OSHA is in the process of doing an enhanced evaluation. The final report came out on Monday and OSHA will publish this on their Website soon. The 18 Michigan findings were minor and duplicative. It was found that Michigan penalties are lower than the national average with Oregon having the lowest penalties of all state plans.

There have been 6 electrocutions in General Industry this year. The data was studied and a pattern could not be found. An alert was issued via a press release to increase awareness to employers and employees. OSHA instituted a “Severe Violators Program” and MIOSHA is participating in this. OSHA issued a policy memo regarding increasing their penalties.

#### **Agenda Item #6--Old Business**

**GI Part 79 Diving Standards.** Diving standards will be removed from the regulatory agenda.

**GI Part 19 Crawler, Locomotive and Truck Cranes; GI Part 20 Underhung Cranes and Monorail Systems; and GI Part 62 Plastic Molding.** Recruiting members for Advisory Committees.

#### **Agenda Item #7--New Business**

**a. GI PART 74 Firefighting Advisory Committee.**

Applicants presented were:

- Daniel Dawe,
- Eva Hatt,
- Keith Crawford,
- Patrick DuVall,
- Richard Mahaney.

Commissioner Pytlik made a motion to approve all applicants; seconded by Commissioner Borch. **MOTION CARRIED UNANIMOUSLY.**

**b. GI PART 17 Refuse Packers Advisory Committee.**

Applicants presented were:

- Clark Corey,
- Heather Kubiak,
- Joseph Neussendorfer,
- Roy Ruohomaki.

Commissioner Pytlik made a motion to table all applications until more applications are received. Commissioner Borch seconded. **MOTION CARRIED UNANIMOUSLY.**

An E-mail will be sent out in the near future for solicitation of applications for GI Part 17, per Chairperson Hale's request.

**c. GI PART 62 Plastic Molding Advisory Committee.** MIOSHA is recruiting members for an Advisory Committee. An E-mail will be sent out for solicitation of committee members. It is hoped that this committee can convene in 2011.

- d. **GI PART 19 Crawler, Locomotive and Truck Cranes Advisory Committee.** MIOSHA is recruiting members for an Advisory Committee. It is hoped that this committee can convene in 2011.
- e. **GI PART 20 Underhung Cranes and Monorail Systems Advisory Committee.** MIOSHA is recruiting members for an Advisory Committee. It is hoped that this committee can convene in 2011.
- f. **GI PART 90 Confined Space Entry and OH 490 Permit-Required Confined Spaces.** MIOSHA staff requested to change the GI-90 title to "Permit-Required Confined Space." Commissioner Koto asked for a definition of these terms. Ms. Clapp stated that a confined space has no hazards inside of it and Permit-Required Confined Space is a hazard in that space. Ms. Clapp stated she felt it would be less confusing if only one term were used. Commissioner Borch made a motion to allow for the name change and Commissioner Radjewski seconded the motion. **MOTION CARRIED UNANIMOUSLY.**
- g. **STANDARDS PROMULGATION PILOT PROJECT.** Mr. Ray explained that MIOSHA is initiating a new Pilot Project and the 3 PPE committees will be the project advisory committees. With the intention of assisting the advisory committees, MIOSHA staff has completed a comparison of the 3 PPE standards and have suggested language prepared for review. MIOSHA wants to make it very clear that the advisory committees are not to just approve this language but it is a starting point for discussion. MIOSHA is asking the General Industry Safety Standards Commission to consider this. After discussion, Commissioner Radjewski made a motion to support and the motion was seconded by Commissioner Borch. **MOTION CARRIED UNANIMOUSLY.**

#### **Agenda Item #8--Public Comment**

Mr. Fisk asked if anything would be done on ergonomics in the near future. Mr. Ray stated that it is a political process and is now out of MIOSHA's hands. Mr. Ray stated that he does not anticipate a public hearing happening during this calendar year.

#### **Agenda Item #9--Next Meeting & Adjournment**

The next meeting of the Commission is scheduled for December 15, 2010, Conference Room B at 9:30 a.m. A motion was made by Commissioner Pytlik and was seconded by Commissioner Radjewski that with no further business before the Commission, the meeting be adjourned. **MOTION CARRIED UNANIMOUSLY.**

**Jeffrey Radjewski**  
Vice-Chairperson.

**December 15, 2010**  
Date